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August 26, 2002

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th H Street, SW, Portals
Washington, DC 20554

Re: Joint Application by Verizon for Authorization To Provide In-Region, InterLATA Services in States of Delaware and New Hampshire, Docket No. 02-157 - REDACTED

Dear Ms. Dortch:

At the request of staff, Verizon provides this further information on CLEC dark fiber inquiries in New Hampshire.

BayRing was the only CLEC that commented on Verizon's responses to dark fiber inquiries. Between January and June 2002, Verizon received 27 dark fiber inquiries from CLECs in New Hampshire. None of these dark fiber inquiries were from BayRing. Last year, BayRing submitted only ***** in New Hampshire. In proceedings before the New Hampshire Public Utility Commission ("New Hampshire PUC"), BayRing raised *****

The New Hampshire PUC requires that, in response to a CLEC dark fiber inquiry, Verizon indicate whether the dark fiber is available and, upon CLEC request, provide a detailed, written explanation why dark fiber is not available. See *Order Finding Dark Fiber Subject to the Unbundling Requirement of Section 251 of the Telecommunications Act of 1996*, DE 97-229, Order No. 22,942 (May 19, 1998) (App. H-NH, Tab 1); *Order Approving in Part and Denying in Part Statement of Generally Available Terms and Conditions Additional Unbundled Network Elements*, DT 01-206, Order No. 23,948 (Apr. 12, 2002) ("Order No. 23,948") (App. D-NH, Tab 8 at 55-59). Verizon implemented these requirements through its statement of generally available terms and conditions ("SGAT"). See App. N-NH, Tab 1 at 360-361.

Of the 27 dark fiber inquiries Verizon received in New Hampshire between January and June 2002, Verizon indicated that dark fiber was available for nine of them (33 percent). For the remaining 18 dark fiber inquiries (66 percent), Verizon indicated that dark fiber was not available and, upon

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CLEC request, provided the specific reasons dark fiber was not available. Attached to this letter are sample responses Verizon provided to dark fiber inquiries this year where dark fiber was not available and the CLEC requested a detailed explanation. *See Attachment A.*

During proceedings before the New Hampshire PUC, the staff verified that Verizon accurately responds to dark fiber inquiries. On December 13, 2001, the staff submitted three inquiries for dark fiber loops and three inquiries for dark fiber interoffice facilities. The Staff investigated Verizon's responses in detail and found that "Verizon's cable documentation appears to be complete, and consistent between and among the various records." *See App. B, Tab 19.* The staff then concluded that its "review of the availability of dark fiber did not result in a finding that dark fiber is more available than the record would indicate." *Id.*

The percentage of dark fiber inquiry responses that indicate the requested dark fiber is not available does not provide any meaningful measure of Verizon's checklist performance. It simply shows that Verizon does not have spare dark fiber on the routes where CLECs would like to lease it.

This ex parte contains proprietary information and has been redacted. A confidential version is also being filed. Please let me know if you have any questions. The twenty-page limit does not apply as set forth in DA 02-1497.

Sincerely,



Attachment

cc: H. Thaggert
V. Schlesinger
G. Remondino
T. Wilson

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